Federal Communications Commission   DA 03-181

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Boardman Local Schools	)	File No. SLD-328276
Youngstown. Ohio	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
	)	
Changes to the Board of Directors of the	)	CC Docket No. 97-21✓
National Exchange Carrier Association. Inc.	)	

ORDER

Adopted: January 22,2003   **Released: January 23,2003**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1.   The Telecommunications Access Policy Division has under consideration a Request for Review filed by Boardman Local Schools (Boardman).[1] Boardman requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).[2] For the reasons set forth below, we deny the Request for Review.

2.   In its decision. SLD stated that Block 6, Item 34 of Boardman's Form 471 did not contain an authorized signature.[3] The application was rejected for failing to meet minimum processing standards and returned to the applicant without being processed. Boardinan argues that SLD should be reversed because Boardman's error was only "clerical." Boardman also states that when it resubmitted its application with the required signature, it did not attempt to make adjustments or corrections to its application. thus accepting its application after the filing window had closed would not "eliminate any incentive to comply with SLD's document

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[1] Letter from Robert J. Wright, Boardman Local Schools. Youngstown, Ohio, to Federal Communications Commission. tiled July 31, 2002 (Request for Review).
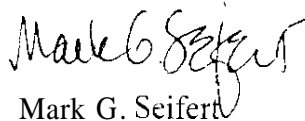
[2] Id

Letter from Schools and Libraries Division, Universal Service Administrative Company. to Robert J. Wright, Boardnian Local Schools, dated June 24. 2002 (Administrator's Decision on Appeal).

demands."' Consistent with our precedent in the *South Burber* and *Davis City Orders* we conclude that SLD's decision is supported by precedent and the underlying record.'

   ɔ. Further, construing Boardnian's argument as a request for a waiver. we find that a waiver is not appropriate. A waiver from the Commission is appropriate if special circumstance warrant a deviation from the general rule. and such deviation would better serve the public interest than strict adherence to the general rule." Boardman's reason is not a special circumstance warranting a waiver of the filing window.' Therefore, we affirm SLD and deny the Request for Review.

   4. ACCORDINGLY. IT IS ORDERED, pursuant to authority delegated under sections 0.91. 0.291. 1.3. and 54.722(a) of the Commission's rules, *37* C.F.R. §§ 0.91. 0.291, 1.3. and 54.722(a). that the Request for Review filed by Boardman Local Schools, Youngstown. Ohio. on July 31. *2002.* IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

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⁴ Request for Review at 3. *citing* Administrator's Decision on Appeal.

⁵ *Request for Review by South Barber Unified School District 255, Federal-State Joint Board on Universal Service. Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-158897, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 18435 (2001) (*South Barber Order*); *Request for Review by Davis School City School Board, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-223665, CC Docket Nos. 96-45 and 97-21. Order, 17 FCC Rcd 6491 (2002) (*Davis City Order*).

⁶ *Northeast Cellular Telephone Co. v. FCC,* 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*); *see also WAIT Radio v. FCC,* 418 F.2d 1153, 1159 (D.C. Cir. 1969) (stating that the Commission may take into account considerations of hardship, equity. or more effective implementation of overall policy on an individual basis), *cert. denied.* 409 U.S. 1027 (1972).

⁷ *See South Barber Order.*